

NASA Labor-Management Forum Implementation Plan

Final
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Introduction

In accordance with Executive Order 13522 – Creating Labor-Management Forums to Improve Delivery of Government Services, Labor and Management will develop an Agency-level Forum in an effort to positively impact NASA’s workforce. Allowing Labor to participate at the earliest stages of Agency policy development will ensure a cooperative approach to identifying problems and finding solutions in advance to beneficially impact the outcome of the policy. This approach better serves NASA by ensuring the Agency can achieve its vision and mission more effectively and efficiently.

Establishing Labor-Management Forums in NASA

NASA will establish one Agency-level Labor-Management Forum and Center-level Labor-Management Forums. Center-level includes all Centers, including Headquarters, with at least one union that is afforded exclusive recognition at that Center. The Center-level forums shall be consistent with guidelines provided in this Implementation Plan.

NASA Agency-level Labor-Management Forum

NASA shall establish one Agency-wide Forum with representation from NASA management and the two (2) unions that have National Consultation Rights at NASA: American Federation of Government Employees (AFGE) and the International Federation of Professional and Technical Engineers (IFPTE)

Labor Involvement in the Creation of NASA’s Labor-Management Forum Implementation Plan

NASA Management has consulted Labor in the creation of this Implementation Plan and will continue to further develop the Forum in consultation with Labor. To date, three (3) meetings have been scheduled. On January 29, 2010, a teleconference was held to begin discussing how Labor and Management will work together to create the NASA Forum. A face-to-face meeting was held on February 18, 2010, to continue that discussion. A final teleconference was scheduled for March 8, 2010, to finalize NASA’s Implementation Plan and discuss the first Forum meeting. NASA Management was present at all three (3) meetings. Labor chose not to participate in the March 8, 2010, conference call.

In addition to the meetings outlined above, numerous emails containing draft versions and comments have been exchanged between Labor and Management.

Composition of NASA Agency-level Forum

The NASA Agency-level Forum shall consist of fourteen (14) permanent members, evenly divided between NASA Management and Labor. NASA Management will name seven (7) management members to its Caucus. The Management Caucus, and over all forum, shall be chaired by the Deputy Administrator or his/her designee. Labor will collectively determine how

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they will allocate and name seven (7) Union members to its Caucus with final approval of their members to be agreed to by the AFGE and IFPTE National Presidents.

Each Party shall provide the names and contact information, to include email address and phone number, of its permanent members to the Forum Secretary. The Forum Secretary will not count towards the fourteen (14) permanent members. This role shall be performed by the Agency Labor Relations Officer. Any changes to the permanent membership will also be sent to the Forum Secretary. The Forum Secretary will compile the membership list and provide it to each permanent member and will take and maintain the minutes of all Forum meetings. Meeting minutes shall be sent to the Administrator and to the Presidents of IFPTE and AFGE once approved by the Forum. Mutually agreed upon ad hoc members may be added by either Management or Labor for discussions on specific topics on which they have particular expertise. The ad hoc member may participate in Forum meetings for the duration of the topical discussion for which their expertise is needed.

Proposed solutions and recommendations generated by the Forum will be documented and signed by the Chair of each Caucus. These two signatures will serve to indicate that labor and management have reached agreement on the proposed solution or recommendation but does not bind NASA to any final action.

Meetings and Operating Procedures

The NASA Agency-level Forum will establish its internal operating procedures, consistent with these guidelines, and shall have regularly scheduled meetings in person or by conference call or by other electronic means, at least every other month, or more frequently as required by specific subjects and/or deadlines.

Topics for discussion may be raised by both Labor and Management. The agenda for each meeting will be the culmination of the top two (2) Labor and the top two (2) Management issues, concerns, or topics. The agenda will not exceed four (4) topics unless mutually agreed upon by both Labor and Management. The finalized agenda will be sent to both Labor and Management as far in advance as possible. Last-minute or time-critical issues may be added to the agenda by mutual agreement. The length of the meeting may depend on the topics to be discussed but generally, will not exceed two (2) hours unless mutually agreed to by both Labor and Management.

Forum recommendations or agreements shall be decided by consensus of the Labor and Management caucuses, with each Caucus establishing its own independent method for reaching internal agreement. All such agreements shall be documented and signed within a Memorandum of Agreement (MOA). Matters which have been addressed in the Agency-level Forum, and where the Agency has adopted the recommendations made by the Forum, shall not require further National Consultation between NASA and Labor.

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If agreement cannot be reached and either party declares an impasse, the issue shall be raised through the formal National Consultation process.

Forum recommendations shall be sent to the relevant Agency Management Official(s). The responsible Agency Management Official shall decide to accept or reject any recommendations.

This Implementation Plan does not affect statutory rights and obligations of the Agency or Union.

Pre-decisional Involvement

Management will initiate pre-decisional involvement in all workplace matters (e.g., new Federal or Agency initiatives, Executive Orders) affecting conditions of employment to the fullest extent practicable. Labor representatives may also initiate requests for pre-decisional information or address concerns not prohibited by law.

NASA will provide adequate pre-decisional information not prohibited by law. If and when appropriate, pre-decisional information provided to Labor may be restricted to Forum members. Management will inform Forum members when such a moratorium exists. In such cases, Forum members shall agree to hold this information in confidence.

For particularly sensitive matters, information may be restricted to a Forum sub-team. In such cases, the team will include the President and Vice President for IFPTE and AFGE or their designee.

Extent to which the Agency has Established Labor-Management Forums

While no formal Forum currently exists at the Agency level, AFGE and IFPTE are afforded National Consultation Rights. All policy documents that impact the working conditions of employees are sent to Labor for National consultation prior to implementation.

In addition, Management sends informational notices to Labor to inform them of future employee notices, surveys, mandatory training, or other topics that may be of interest.

Management officials have also been available to Labor representatives for informational conversations via email, teleconference, and face-to-face meetings.

At the local level, each Center has regularly scheduled meetings with Labor and Management to discuss issues and topics of interest. Many Centers also invite Labor representatives to participate on various committees, teams, and working groups.

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Metrics

As one of their first orders of business, the Agency-wide Forum shall discuss and agree on metrics to be measured. Factors the Forum will consider shall include the following, but may be expanded or modified by consensus:

- Numbers of suggestions offered
- Agenda items resolved by MOA
- Number of formal agency-wide consultations or local negotiations avoided
- Number of impasses declared
- Participation and positive changes
- Leadership and Union relationship improvement
- Guidance provided by the National Council

The Forum will determine which metrics should be reviewed. The intent is for the metrics to be outcome based versus activity based as this will allow for a more complete and holistic understanding of how well the Forum is performing and if it is having a positive impact on the Agency.

Baseline assessment

The Forum will, as one of their first orders of business, discuss and determine how a baseline assessment will be conducted to assess the current state of labor relations within the Agency. Factors the Forum will consider shall include the following, but may be expanded or modified by consensus:

- Polling local union officers and HR officials with short survey
- Asking participants to self-assess
- Guidance provided by the National Council

Resources Required

Agency Management will inform Center and HR Directors that Forum union representatives are to be permitted and afforded official time as necessary to serve on teams. This participation may require up to 25% of time above and beyond any local union duties. Travel expenses shall be provided by Agency Management as necessary to include travel for union representatives outside of the Washington, D.C., metro area.

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Duration of Agency-level Labor-Management Forum

This Forum, and other procedures adapted or established under these guidelines, shall operate for the duration of Executive Order 13522, unless otherwise mutually agreed by NASA and each participating National Union.

Establishment of Labor-Management Forums at Each Level of Exclusive Recognition

Nothing in this section shall be construed to force any local forum to adopt new policies or procedures, if they have established a working alternative by mutual agreement of local Labor and Management officials.

NASA will establish Labor-Management Forums at each level of exclusive recognition (i.e. at Headquarters (HQ) and each Center with an exclusively recognized Local Union covered by a collective bargaining agreement). If a Center has more than one recognized bargaining unit and more than one exclusively recognized Union, the Center and its Local Unions shall confer to determine whether to have one combined Forum, or separate Forums for each bargaining unit.

The following provisions address the establishment of Forums at the Center level. References to “Center” below include HQ.

If the Center already has a labor-management committee in existence, Center Labor and Management shall initiate discussions within 30 calendar days of the certification of this Implementation Plan to adapt that committee to serve as a Forum consistent with these guidelines. This local adaptation may be as simple as a name change or may include the addition of new functions, additional permanent or ad-hoc members, or the inclusion of a wider range of topics. Any changes must be mutually agreed to by both Labor and Management.

If there is no existing labor-management committee at the level of exclusive recognition, the parties shall initiate discussions within 30 calendar days of the certification of this Implementation Plan to establish a new Forum consistent with these guidelines. Labor and Management, by mutual agreement, will determine the number of Union and Management representatives and shall determine, or leave to the Forum itself to determine, the frequency and scheduling of meetings, operating rules, and procedures for raising and discussing issues, consistent with these guidelines. Official time for Union participants will conform to the local collective bargaining agreement, with the understanding that Forum meetings are official union-management business.

Role of Center-level Labor-Management Forums

The role of these Forums will be to help identify problems and propose solutions to better the Agency mission by making recommendations to the Center Director. Recommendations will be in the form of a signed MOA that, if adopted by the Center Director, obviates the need for Impact and Implementation bargaining. The Forum will explore problems and develop, when

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possible, joint recommendations, decided by the consensus of management and union caucuses on the Forum. Forum recommendations are written recommendations to the Center Director for his/her final decision; these can either be joint or split recommendations. Matters which have been addressed in the labor-management forum and adopted by the Center Director, or duly appointed designees, shall not require further bargaining between Labor and Management.

This Implementation Plan does not affect any statutory rights or obligations of the Agency or Union.

Pre-decisional Involvement and Decision Making at the Center Level

Labor-management forums are intended to allow pre-decisional involvement concerning proposed changes in conditions of employment. Centers will provide adequate pre-decisional information not prohibited by law. Any pre-decisional information provided to Labor will be restricted to Forum members, who must agree to hold it in confidence unless otherwise mutually agreed.

Local Forum members will make a good-faith attempt to resolve issues involving conditions of employment, without regard to the legal rights of the Parties. The Forum at each Center shall establish procedures for expeditious discussion and resolution of problems.

Negotiations at the Center Level Following Impasse in Forum Process

In negotiations following impasse at the Forum, NASA is not waiving any of its statutory management rights, or agreeing to binding negotiation of any permissive topics. However, Center management may consider adopting Local Union suggestions on non-negotiable matters, as local management policy, provided both Labor and Management acknowledge that this does not constitute a binding management election to bargain for that issue or any future issues.

Metrics, Baseline Assessment and Resources for Center-level Forums

The Forum at each Center shall establish metrics, baseline assessment and resource needs, using the Metrics, Baseline Assessment and Resources for Agency-level Forum section above as appropriate to the local situation.

Duration of Center-level Labor-Management Forums

Forums and other procedures adapted or established under these guidelines shall operate for the duration of Executive Order 13522, unless otherwise mutually agreed at each Center.